

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:20-cv-00052-MR-WCM**

MICHAEL G. CAPPS,

Plaintiff,

vs.

**CHUCK HESTER and DEPARTMENT
OF INTERIOR,**

Defendants.

ORDER

THIS MATTER is before the Court on the *pro se* Plaintiff's second "Motion for Default Judgment" [Doc. 11].

The Plaintiff, proceeding *pro se*, moves for a second time for a default judgment against the named Defendants, Chuck Hester and the United States Department of Interior.¹ [Doc. 11]. The Plaintiff's motion must be denied. In order to obtain a default judgment against a defendant, a plaintiff must first move for the entry of default. See Fed. R. Civ. P. 55(a). Once an entry of default is made, the plaintiff may move for a default judgment. See Fed. R. Civ. P. 55(b). Here, the Plaintiff has not sought the entry of default

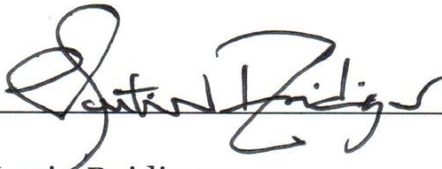
¹ The Plaintiff previously moved for a default judgment [Doc. 9], which was denied on June 8, 2020, two days before the present motion was filed [Doc. 10].

against the Defendants, and thus his motion for default judgment must be denied as premature. Moreover, the entry of default would not be proper here, as the Department of Interior has made an appearance and sought an extension of time to answer [Doc. 14] and it appears that the Plaintiff has not yet served the Defendant Chuck Hester. [See Docs. 8, 13]. For all these reasons, the Plaintiff's Motion for Default Judgment is denied.

IT IS, THEREFORE, ORDERED that the Plaintiff's "Motion for Default Judgment" [Doc. 11] is **DENIED**.

IT IS SO ORDERED.

Signed: June 22, 2020



Martin Reidinger
Chief United States District Judge

